

Meeting of 1997-9-23 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 23, 1997 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Charles P. Beller, Presiding Also Present:
Mayor Pro Tem Gil Schumpert, City Manager
Felix Cruz, City Attorney
Brenda Smith, City Clerk

The meeting was called to order at 6:00 p.m. with Invocation by Ray Polk, followed by the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall bulletin board as required by law.

ROLL CALL

PRESENT: Jody Maples, Ward One
Richard Williams, Ward Two
Jeff Sadler, Ward Three
John Purcell, Ward Four
Robert Shanklin, Ward Five
Charles Beller, Ward Six
Carol Green, Ward Seven
Randy Warren, Ward Eight

ABSENT: John T. Marley, Mayor

PRESENTATION OF EMPLOYEE OF THE MONTH AWARD TO STACIE GRAVES, FINANCE DEPARTMENT

Steve Livingston, Finance Director, introduced Stacie Graves and commended her job performance, as well as her efforts toward the City picnic, March of Dimes, and college courses. Beller presented a Certificate of Honor, plaque from T & S Printing, two non-chargeable days off, and gifts from Ryans Steak House, Holiday Bowl, Star Shots, Auto Shine and the Hairloom.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF SEPTEMBER 9, 1997

MOVED by Shanklin, SECOND by Maples, to approve the minutes. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION: None.

UNFINISHED BUSINESS: None.

BUSINESS ITEMS:

1. Hold a public hearing and consider an ordinance changing the zoning from Temporary P-F (Public Facilities District) to A-1 (General Agricultural District), changing the zoning from Temporary P-F (Public Facilities District) to I-4 (Heavy Industrial District), and amending the Land Use Plan from Agricultural and Parks/Open Space to Public/Quasi-Public and changing the zoning from Temporary P-F (Public Facilities District) to P-F (Public Facilities District) zoning classification located generally on Tinney Road from SW 11th Street to SE Flower Mound Road. EXHIBITS: ORDINANCE NO. 97-46; LOCATION MAP; APPLICATIONS; LMAPC MINUTES.

Bob Bigham, City Planner, said this tract was annexed on August 4, 1997. He presented a map showing the general location of Flower Mound and Tinney Road, and facilities in the area. LMAPC held a hearing and recommended approval of this request by a six to one vote. Three tracts are included in the request; Tract A is a 17 foot strip containing 3.09 acres proposed for A-1 zoning; Tract B is a 17 foot strip near the southern portion of the Wastewater Treatment Plant and is proposed for I-4 zoning; Tract C is the 160 acres for the proposed private prison and is proposed for P-F zoning. Notice was properly served and no comments were received. Staff recommendation was to approve.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING CLOSED.

MOVED by Maples, SECOND by Williams, to approve Ordinance No. 97-46, waive reading of the ordinance, reading only the title.

(Title read by Clerk) ORDINANCE NO. 97-46

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF FROM THE EXISTING CLASSIFICATION OF TEMPORARY P-F (PUBLIC FACILITIES DISTRICT) TO A-1 (GENERAL AGRICULTURAL DISTRICT) ZONING CLASSIFICATION; CHANGING THE ZONING CLASSIFICATION OF THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION TWO (2) HEREOF FROM THE EXISTING CLASSIFICATION OF TEMPORARY P-F (PUBLIC FACILITIES DISTRICT) TO I-4 (HEAVY INDUSTRIAL DISTRICT), AMENDING THE 2020 LAND USE PLAN AND CHANGING THE ZONING CLASSIFICATION OF THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION FOUR (4) HEREOF FROM THE EXISTING CLASSIFICATION OF TEMPORARY P-F (PUBLIC FACILITIES DISTRICT) TO P-F (PUBLIC FACILITIES DISTRICT) ZONING CLASSIFICATION; AND AUTHORIZING CHANGES TO BE MADE IN THE 2020 LAND USE PLAN AND UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

VOTE ON MOTION: AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

2. Hold a public hearing and consider an ordinance changing the zoning from Temporary A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification located generally at 701 NW 82nd Street. EXHIBITS: ORDINANCE NO. 97-47; LOCATION MAP; LMAPC MINUTES.

Bigham said this is an administrative rezoning request for the 110 lots in Wyatt Acres, Parts 7 and 8. LMAPC held a public hearing and recommended R-1 zoning by a seven to zero vote. Proper hearing notice was given.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING CLOSED.

MOVED by Purcell, SECOND by Sadler, to approve Ordinance No. 97-47, waive the reading of the ordinance, reading only the title.

(Title read by Clerk) ORDINANCE NO. 97-47

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF FROM THE EXISTING CLASSIFICATION OF TEMPORARY A-1 (GENERAL AGRICULTURAL DISTRICT) TO R-1 (SINGLE FAMILY DWELLING DISTRICT) ZONING CLASSIFICATION; AND AUTHORIZING CHANGES TO BE MADE UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

VOTE ON MOTION: AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

3. Hold a public hearing and consider an ordinance changing the zoning from Temporary A-1 (General Agricultural District) to P-F (Public Facilities District) zoning classification located at 801 NW 82nd Street. EXHIBITS: ORDINANCE NO. 97-48; LOCATION MAP; LMAPC MINUTES.

Bigham said this is an administrative request for Fire Station #7. LMAPC held a public hearing and recommended approval. Proper notice of hearing was given. The property is owned by the City with restriction for a fire station. Staff recommended approval.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING CLOSED.

MOVED by Green, SECOND by Sadler, to approve Ordinance No. 97-48, waive reading of the ordinance, reading the title only.

(Title read by Clerk) ORDINANCE NO. 97-48

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF FROM THE EXISTING CLASSIFICATION OF TEMPORARY A-1 (GENERAL AGRICULTURAL DISTRICT) TO P-F (PUBLIC FACILITIES DISTRICT) ZONING CLASSIFICATION; AND AUTHORIZING CHANGES TO BE MADE UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

VOTE ON MOTION: AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

4. Hold a public hearing and consider an ordinance changing the zoning from Temporary A-1 (General Agricultural District) and R-1 (Single-Family Dwelling District) to P-F (Public Facilities District) zoning classification located approximately at NW 75th Street and Willow Creek Drive. EXHIBITS: ORDINANCE NO. 97-49; LOCATION MAP; LMAPC MINUTES.

Bigham said this is an administrative request for the Willow Creek Park located between Willow Creek Addition and Wyatt Acres. LMAPC held a public hearing and recommended approval by a seven to zero vote. Proper notice of hearing was given.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING CLOSED.

MOVED by Williams, SECOND by Warren, to approve Ordinance No. 97-49, waive reading of the ordinance, reading the title only.

(Title read by Clerk) ORDINANCE NO. 97-49

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF THE TRACTS OF LAND WHICH ARE HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION TWO (2) HEREOF FROM THE EXISTING CLASSIFICATION OF TEMPORARY A-1 (GENERAL AGRICULTURAL DISTRICT) AND R-1 (SINGLE FAMILY DWELLING DISTRICT) TO P-F (PUBLIC FACILITIES DISTRICT) ZONING CLASSIFICATION; AND AUTHORIZING CHANGES TO BE MADE UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

VOTE ON MOTION: AYE: Beller, Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

5. Consider adopting a resolution supporting the Lawton Housing Authority in its effort to have the Oklahoma Housing Authorities Act amended. EXHIBITS: INFORMATION SHEETS; RESOLUTION NO. 97-116. Beller said one portion of the resolution should be deleted; in the last paragraph after the words "authoritys powers", delete: "by the approval for restoration of such powers of the governing body of the jurisdiction in which the authority is located or by a general election as deemed appropriate by said governing body." He said it was determined that this phrase was not needed and Mrs. Love requested it be deleted.

Beller said Lawton has Section 8 housing but the Authority cannot be involved due to the referendum passed in the 1970s. Rita Love, Housing Authority Director, said the Oklahoma Finance Housing Agency currently administers the Section 8 Program for Lawton. Beller said Section 8 housing is being accomplished, but not locally administered.

Love said the resolution is a statement that the Council would support the effort to have the statute amended, and it does not take anything away from the citizens who still have the opportunity to voter referendum should they see fit. She said she was requesting the statute be amended that after a three year period that the housing authority powers would be restored. Love said the Lawton Housing Authority is the only one in the state that has been affected, and it would give them the opportunity to get back into the business they were created to do. Shanklin asked if Love anticipated building new apartments. Love said not at this point. Shanklin asked if this would grant such authority. Love said yes, if the law is amended by the Oklahoma Legislature. Shanklin asked if Council was voting to request the Legislature to amend this. Love said yes, so the Authority could participate in any other programs that might be available.

Beller said funds are available for housing that could be sought. He asked if changing the name of the Lawton Housing Authority would have any impact. Cruz said no.

Williams asked why staff recommended tabling this. Schumpert said it was his recommendation that Council meet with the Authority to discuss available options. Schumpert said the citizens of Lawton voted on an issue, and the proper way to remove that would be for them to vote again. He said the legislation appears to attempt to circumvent or limit the intent of the citizens, and that was his concern.

Williams asked if the Lawton Housing Authority was the only entity in the State regulated in this manner. Love said that was correct. Williams asked if something happened years ago that caused the citizens to vote the way they did. Schumpert said it was his understanding that in 1974, there was a great concern by the majority of the citizens, based on their vote, that there would be an excess of Section 8 housing built in Lawton, assuming the "not in my back yard" concept took affect so citizens voted to place a limitation on the Housing Authoritys efforts to further expand.

Love said there are between 600 and 700 active Section 8 leases throughout the City so it did not stop that process. Schumpert said there is a waiting list of 700. Love said Section 8 housing must be provided for CDBG funds to be received. Schumpert said the City could administer the Section 8 program but the question is whether the costs could be recovered, so the City decided not to do that; OHFA does not have to be the agency, CDBG could be used or an agency created or contract with anyone; Lawton contracted with OHFA because they are in that business and have that expertise.

Beller asked if OHFA was making a profit and if Lawton paid them to administer the program. Love said the federal government pays them. Beller said if it was done locally, the funds would be received for the program and Love agreed. Beller asked why we would not elect to do it through CDBG and realize those funds, and if questions have to be answered in Oklahoma City. Schumpert said a representative comes down once or twice a week to the Multi-Purpose Center.

Purcell said he could support this but felt it would be easier and quicker to have the question placed on the ballot for the next regular election and have the citizens vote to correct this, instead of trying to go through the Legislature. Love said that would be the only alternative if the Legislature did not approve the amendment. She said she had a concern like there was 24 years ago that people would hear the term public housing and not want it in their back yard, without realizing it is already in existence in the community. Purcell said that information could be provided. Cruz said in order to put it on the ballot, a petition must be filed containing approximately 1,200 signatures to put the matter back on the ballot. Purcell asked if the Council could direct that it be put on the ballot and Cruz said no.

Warren said he did not have a problem supporting it but had concerns similar to those expressed by the City Manager. He said it seemed to be an attempt to get around a citizen vote. Warren said there was discussion on the perception of going to a vote, but there should be more concern over the perception of going around a vote. Warren said he would like to see it placed on the next ballot.

Shanklin asked Love to explain how this would help the Lawton Housing Authority and the trail of money. Love said there was no guarantee the Authority would be able to participate in Section 8 or affordable housing for first time home buyers; it would give the Authority the opportunity to pursue those programs to possibly make some income to supplement the operation of the Housing Authority. She said current income is from dwelling rental income, which is from zero to \$100 to \$200, and an operating subsidy from the federal government that has been cut the last three years, and further cuts are anticipated. Love said the modernization funding has been cut 50% each year also and it is costly to maintain 30 year old properties.

Shanklin asked who would own the properties if the Authority ceased to exist. Love said the federal government. Shanklin asked how the Authority was tied to the City of Lawton. Love said the Mayor appoints the Board of Commissioners. Shanklin asked if all funding was with the federal government and Love said yes.

Maples asked if private owners have Section 8 properties to lease. Love said yes. Love said the Comanche Indian Housing Authority, Great Plains Improvement Foundation, the City of Lawton, and individual private citizens can do everything she was seeking the opportunity to do. Maples asked how many Section 8 homes are available in Lawton that are not leased each month. Love said there is a waiting list of a year to two years so she would assume all the units are probably leased.

Shanklin asked how the Authority would make a profit and if it was from managing properties. Love said on Section 8, the Authority would be responsible for doing the inspections, paying rent to the landlords, and administration type fees on that program. Beller said other than the fees, it would fulfill a need for those families requiring housing.

Williams asked what Love would do if this finally were approved. Love said she would find out how to start getting Section 8 in Lawton. Schumpert said he anticipated the Authority would request the City contract with them instead of OHFA for administration of Section 8 housing. Williams asked if other houses would be sought or if apartments would be built. Love said no, they receive calls daily from people asking how to list their houses for Section 8, and she provides a 1-800 number.

Schumpert said under the Section 8 program, rent money is either given to an individual, who may or may not have to put in additional money, or directly to the landlord. The landlord must agree to rent a certain percentage of his units in Section 8. He said the Authority would administer the funds, so it is not housing, per se, a Section 8 unit could be next door to him in Garden Village. Schumpert said it is not the housing, but the individual who gets the assistance.

Shanklin said he did not understand it yet and perhaps a committee is necessary. He said he had two Section 8 units and receives the check in the mail directly; units are inspected and expected to meet certain criteria.

Beller said the question is whether to support the resolution or ask the Mayor to appoint a committee to discuss Section 8 housing.

MOVED by Shanklin, SECOND by Purcell, to adopt Resolution No. 97-116 as amended.

Williams said the need exists and the attempt to try to eliminate public housing did not prevent it from happening. Maples said she felt the Authority would do a good job of administering the program and seeing that the regulations were enforced. Purcell said he felt the quicker, faster way would be to get a petition and have it placed on the ballot and Warren agreed.

AYE: Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-116

A RESOLUTION SUPPORTING THE LAWTON HOUSING AUTHORITY IN ITS EFFORT TO AMEND TITLE 63, SECTION 1056 OF THE OKLAHOMA STATUTES.

6. Consider temporarily suspending Rule 5E of the Councils Rules of Procedures and, if suspended, consider adopting an ordinance amending Section 20-101, Lawton City Code, 1995, relating to obstructions on easements, and declaring an emergency. EXHIBITS: ORDINANCE NO. 97-____; AGENDA COMMENTARY, AUGUST 12, WITH EXHIBITS; AGENDA COMMENTARY, AUGUST 26, WITH EXHIBITS.

Shanklin said he was requesting the rules be suspended so the item could be discussed. He said he knew of several instances where people were not being allowed to construct fences or do different things that would enhance the value of their property. Beller said the City Attorney advised that action should be taken on suspension of the rules and that six votes are needed.

MOVED by Shanklin, SECOND by Warren, to suspend the rules. AYE: Warren, Maples, Sadler, Shanklin, Beller. NAY: Williams, Purcell, Green.

Shanklin asked how Williams got to vote. Cruz said even if Williams did not vote, there are still only five votes. Shanklin said the citizens are not being treated right by doing things this way and not letting them have a say.

7. Consider adopting a resolution establishing stop signs on NW 9th Street at Columbia. EXHIBITS: RESOLUTION NO. 97-____.

This item was withdrawn by Council Member Shanklin who was the initiator.

8. Discuss receipt of gasoline tax revenue and take appropriate action. EXHIBITS: NONE.

Beller said information from Gary Jones, Western District Commissioner, had been distributed. Information relates to the amount of taxes received, how it is disbursed, and guidelines.

Shanklin said this came about during the trip to Oklahoma City in an attempt to find out why 75% of the gas tax that is generated for Comanche County, none of it can be spent within the City limits, or has been spent there. He said he felt that was unfair and unjust, regardless of how it was interpreted. Shanklin said a copy of a letter was provided from the counsel for the Oklahoma State Legislature and he asked Cruz to explain what Mr. Fox had to say and whether or not we can build or maintain roads within the City with the gas tax that is generated by the citizens of Lawton.

Cruz said the statutes provide that gas taxes be distributed to the counties based on population, and those funds are to be used in the county as the county commissioners feel appropriate to maintain the roads that best serve the most people in the county. He said the statute identifies and defines county roads as those roads and highways in the county that have not been designated as state highways. Cruz said the Oklahoma Supreme Court has held that since the county has no jurisdiction in the municipality, then it has no duty to maintain municipality roads. He said it goes one step further in saying those county roads that extend into the municipality, such as Flower Mound Road and 45th Street and so on, could be maintained at the discretion of the county commissioners with county funds based on a contract between the county and the city for three purposes, for drainage, for grading, and for hard surfacing. Cruz said the bottom line is the county commissioners must decide where the money is spent, and they do not have to spend it on maintaining city roads; if the county commissioners and city want to agree, they can spend some of that money in the city on those roads that are an extension of county roads.

Shanklin said the citizens of Lawton are entitled to some of the money they spend in taxes and they do not just have to give it to the outside, rural community, which has been done for the last 30 years. He said to his knowledge, the county had not spent any money on any roads in the city for that time. Cruz said the county commissioners could decide to contract with the city under the guidelines he stated.

Beller said 69-601 state statute in paragraph b says the county commissioners are authorized to establish road improvement districts as provided by law in the unincorporated areas of the county. He asked how the unincorporated areas would be addressed. Cruz said 601 addresses that and 603 allows the contract between the

city and county. Beller said the contract would work well and a prime example is the Bishop Bridge, which the county is working on by agreement. Beller said he spoke with a former county commissioner who told him they were precluded from coming into the city limits because of the 5,000 population limit. Cruz said he could not find such a restriction.

Gary Jones said he represents district three, which has more Lawton residents than any other district, including district two, and in addition, it must maintain roads and bridges outside Lawton. He said he was very concerned about what happens to the City of Lawton.

Jones said this issue had come up in many counties and the ruling from the State Auditor was that there are roads designated as the county road system, and the roads outside of any municipality, the way the law reads or it had been stated to them at the county commissioners association meetings, the county is obligated to maintain all roads in towns under 2,500 population; at the discretion of the county commissioners, the county may take care of roads in towns between 2,500 and 5,000 population but Comanche County has no towns in that category; the only town bigger than 2,500 population is Lawton. Jones said the State Auditor has said county funds cannot be used to purchase materials for cities. He said Norman and Cleveland County have a similar situation and they handle it by entering into an agreement where Norman uses Cleveland County's labor and equipment, and Norman purchases the materials. Jones said this was similar to the work on Bishop Road and there was no problem in working on things like that, but everything from the Department of Transportation, State Auditors, and the opinions from the Attorney General's office indicate counties cannot turn money over to the cities for the purpose of the roads. Lawton's roads are not counted as part of the county road system; the county cannot turn money over to be used on those but can enter into interlocal agreements.

Purcell said in 601 of the information that was passed out, it says the county highway system shall be composed of all public roads within any county, less any part of any road which may be taken over as a state highway by the commission. He said the City of Lawton public roads are within the county. Jones said it also distinctly states within unincorporated area, Lawton is an incorporated area, and the county commissioners receive a list of how many miles of county roads there are, and a map showing what are and are not considered county roads. Jones said the roads within the City of Lawton are not included on the map they receive from the Department of Transportation. Jones said the funding is based on three things, the area covered, population, and the number of road miles and the road miles within the City of Lawton are not included in the total. Jones said the question had been asked specifically and if a change is needed in the law, it would be through the State Legislature. Jones said the State Auditor, Attorney General, Department of Transportation, and Association of County Commissioners have been very clear in this discussion that in towns over 5,000 population they are not allowed to do the work or hand the money over to the city.

Cruz said the Oklahoma Supreme Court made the ruling in 1979 and in the mid 1980s that held that municipal roads are not the responsibility of the county to maintain or repair. He said in section 603, the Legislature granted authority between cities and counties to enter into a contract for the county to perform on municipal streets for drainage, grading and hard surfacing of roads. Jones said that is the interlocal agreement, such as the one on the Bishop Road Bridge. Shanklin said that is one in 20 years. Jones said he had been there two years and was happy to say they had done the one that had been done in 20 years.

Jones said they get 20.2% of the fees collected and the rest is distributed in other ways. He said 52.4% of the funds collected in the State to be used on roads goes other places. Jones said the City could use the money for roads and perhaps the Legislature should be asked to allocate part of the 52.4% to be used by the cities. Discussion was held on the make up of the districts in the county.

Shanklin asked if 4-1/2 cents of the 35 cents collected in gas tax comes to Comanche County. Jones said part of it does and Comanche County gets the largest part of it. Jones said he has 32 employees and several pieces of equipment, and the only thing his district receives other than the gas tax is his \$350 car allowance, and they get nothing from the general fund. Shanklin said he thought it inconceivable that a person living in town has to subsidize a person living in the county with the gas tax. Jones said cities collect sales tax and other revenues and the people in the country shop in Lawton, with the sales tax going to Lawton.

Beller suggested relief be sought from the Legislature. Cruz said he could suggest legislation but felt it would be more effective if Council members visited with the local delegation. Shanklin suggested Council pass a resolution requesting legislation that the City of Lawton receive some of the gasoline tax funds it generates. Beller suggested the subject be discussed at the OML meeting in Tulsa this week.

9. Consider entering into a Memorandum of Understanding (MOU) with the Great Plains Area Vo Tech School and the Northside Chamber of Commerce for the establishment of Minority Business Opportunity Committee and authorize execution of the Memorandum of Understanding. EXHIBITS: MEMORANDUM OF UNDERSTANDING.

MOVED by Purcell, SECOND by Green, to approve the item. AYE: Maples, Williams, Sadler, Purcell, Shanklin, Beller,

Green, Warren. NAY: None. MOTION CARRIED.

10. Consider authorizing painting of a mural on City Hall. EXHIBITS: SKETCH FROM MR. EASLEY.

Beller said William Easley has volunteered to paint a mural on City Hall and instead of recognizing local citizens, the idea has been submitted to paint local school children holding up letters spelling out Lawton with some sort of caption under each letter. He said funding will be provided by AmQuest Bank, Fitch Industrial and EZ-GO Foods so there would be no cost to the City. Beller asked about maintenance costs. Bill Baker, Assistant City Manager, said the mural would be across the south entrance to City Hall.

MOVED by Williams, SECOND by Green, to approve the item.

Green said she hoped in selecting the children, the artist would use different ethnic groups. Baker said that would be done.

VOTE ON MOTION: AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

11. Consider authorizing the Mayor to execute the recertification application for the Community Rating System of the National Flood Insurance Program. EXHIBITS: ANNUAL PROGRESS REPORT.

MOVED by Williams, SECOND by Warren, to approve the item. AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

ADDENDUM:

1. Consider adopting a resolution supporting the upcoming bond issue election of the Lawton Public Schools. EXHIBITS: RESOLUTION NO. 97-117.

Shanklin said a new school is needed to be comparable with those on the east and west sides. He said those who come here from Fort Sill should have comparable facilities to others, and knowing they did not could be passed on up the line to some time in the future. Shanklin said a new facility would be something to be proud of and would solidify downtown, enhance property values, and cause reconstruction of homes in Old Town North, Fields & Dunning, Garfield and Adams. He said Lawton has Bar-S and the prison coming along, and encouraged Council to support the school issue.

MOVED by Shanklin, SECOND by Williams, to adopt Resolution No. 97-117.

Beller asked Shanklin to read the resolution and that was done.

(Title only) RESOLUTION NO. 97-117

A RESOLUTION SUPPORTING THE ISSUES CONTAINED IN THE OCTOBER 14, 1997, LAWTON PUBLIC SCHOOL SYSTEM, INDEPENDENT SCHOOL DISTRICT NO. 8, ELECTION.

VOTE ON MOTION: AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

12. Consider the following damage claims recommended for denial: Comanche Home Center; Ruth and A.J. Mosley; and Victavia Giles. EXHIBITS: LEGAL OPINIONS/RECOMMENDATIONS. Recommended action was to deny all claims. Claim of Comanche Home Center was denied as shown below. Claims of Mosley and Giles were considered separately as shown below.

13. Consider the following damage claim recommended for approval and consider passage of a resolution authorizing the City Attorney to file a friendly suit for the claim over \$400.00: Dorothy W. Garth. EXHIBITS: LEGAL OPINION/RECOMMENDATION. (RESOLUTION NO. 97-118 ON FILE IN CITY CLERKS OFFICE)

(Title only) RESOLUTION NO. 97-118

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST DOROTHY W. GARTH IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE REDUCED AMOUNT OF NINE HUNDRED DOLLARS (\$900.00).

14. Consider adopting a resolution ratifying the action of the City Attorney in filing and making payment of the judgment in the Workers Compensation case of James C. Cowley in the Workers Compensation Court, Case No. 97-

(Title only) RESOLUTION NO. 97-119

A RESOLUTION RATIFYING THE ACTIONS OF THE CITY ATTORNEY IN MAKING PAYMENT OF THE JUDGMENT IN THE WORKERS COMPENSATION CASE OF JAMES C. COWLEY FOR THE AMOUNT OF THIRTEEN THOUSAND, FIVE HUNDRED THIRTY DOLLARS (\$13,530.00) PER ORDER OF THE WORKERS COMPENSATION COURT, AND FILING A FOREIGN JUDGMENT IN THE DISTRICT COURT OF COMANCHE COUNTY FOR PURPOSES OF PLACING SAID JUDGMENT ON THE TAX ROLLS.

15. Consider adopting a resolution concurring in the appointment of the city manager as general manager of the Water Authority's trust estate. EXHIBITS: RESOLUTION NO. 97-120.

(Title only) RESOLUTION NO. 97-120

A RESOLUTION OF THE COUNCIL OF THE CITY OF LAWTON, OKLAHOMA, CONCURRING IN THE APPOINTMENT OF THE CITY MANAGER AS GENERAL MANAGER OF THE WATER AUTHORITY'S TRUST ESTATE.

16. Consider approving an amendment to the employment agreement between the City and Mr. Gilbert H. Schumpert, Jr. EXHIBITS: AMENDMENT. Action: Approve amendment.

17. Consider approving an amendment to the employment agreement between the City and Brenda M. Smith. EXHIBITS: AMENDMENT. Action: Approve amendment.

18. Consider approving an amendment to an agreement between the City and Great Plains Improvement Foundation, Inc. (GPIF) for the MedTrans Program and authorize execution of said amendment. EXHIBITS: AMENDMENT. Action: Approve amendment.

ITEMS 19 AND 20 WERE CONSIDERED SEPARATELY AS SHOWN BELOW.

21. Consider approving a contract with Theaterworks USA to present two performances of Babes in Toyland to area students at McMahon Memorial Auditorium on 11/14/97. EXHIBITS: AGREEMENT. Action: Approve contract.

22. Consider approving plans and specifications for the Baldwin Avenue and Lincoln Avenue Water Line Replacement Project 97-17 and authorizing staff to advertise for bids. EXHIBITS: LOCATION MAPS. Background: This project was approved as a part of the CDBG Program and consists of the construction of approximately 3700 LF of 8" water main replacement including incidentals. The project is located on Baldwin Avenue from NW 11th Street to NW 17th Street and on Lincoln Avenue from NW 36th Street to NW 38th Street. The plans and specifications are complete and available in Engineering Division for Council review. The estimated cost for the project is in the \$225,000 range. Action: Approve plans and authorize staff to advertise for bids.

23. Consider awarding a construction contract for the Wastewater Treatment Plant Chlorine Building Re-Roofing Project 96-11. EXHIBITS: BID TABULATION OF SEPTEMBER 9, 1997. Action: Award construction contract to Brox Industries, Inc. in the amount of \$20,940.00.

24. Consider awarding contract for prefabricated refuse container bottoms. EXHIBITS: VENDORS MAILING LIST; TABULATION; RECOMMENDATION. Action: Award contract to Roll-Offs of America.

25. Consider awarding contract for agricultural farming tillage and grazing sub-lease agreement - Lake Ellsworth (Tract E-7). EXHIBITS: MAILING LIST; TABULATION; RECOMMENDATION; MAP. Action: Award contract to Vince L. McGolden.

26. Consider awarding contract for agricultural farming tillage sub-lease agreement (Tract E-22). EXHIBITS: VENDORS MAILING LIST; TABULATION; RECOMMENDATION; MAP. Action: Award contract to Paul M. Hayes.

27. Consider awarding contract for transport truckster. EXHIBITS: VENDORS MAILING LIST; TABULATION; RECOMMENDATION. Action: Award contract to Texoma Tractor LLP.

28. Consider awarding contract for road oil CRS-25 and asphalt emulsion SS-1. EXHIBITS: VENDORS MAILING LIST; TABULATION; RECOMMENDATION. Action: Award contract to Koch Materials.

29. Consider awarding contract for liquid chlorine. EXHIBITS: VENDORS MAILING LIST; TABULATION; RECOMMENDATION. Action: Award contract to DPC Industries, Inc.

30. Consider awarding contract for electronic wheel balancer. EXHIBITS: MAILING LIST; TABULATION; RECOMMENDATION. Action: Award contract to Myers Tire Supply.

ITEM 31 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

32. Consider awarding contract for 36" water main repair parts. EXHIBITS: MAILING LIST; TABULATION; RECOMMENDATION. Action: Award contract to Oklahoma Contractors Supply; Water Products, Inc.

33. Consider extending contract for aluminum sign blanks. EXHIBITS: VENDORS MAILING LIST; TABULATION; RECOMMENDATION. Action: Extend contract with Rocal, Inc. at same terms to 11/30/98.

34. Consider extending contract for ballistic vests. EXHIBITS: VENDORS MAILING LIST; TABULATION. Action: Extend contract with Law Enforcement Equipment Company at same terms to 11/30/98.

35. Mayors Appointments. EXHIBITS: NONE.

PARKS & RECREATION COMMISSION: Steve Cothren; Tony Bailey

CEMETERY BOARD: Chris Elledge

LAKES & LAND COMMISSION: Frank Hawthorne

36. Consider approval of Payroll for the period of September 22 through October 5, 1997. EXHIBITS: NONE.

Green asked for separate consideration of the Mosley and Giles claims in Item 12. Shanklin asked for discussion of Item 20. Green asked for separate consideration of Items 19 and 31.

MOVED by Shanklin, SECOND by Williams, that the consent agenda be approved with the exception of the Mosley and Giles claims in Item 12, and to deny the claim of Comanche Home Center in Item 12; and to consider Items 19, 20 and 31 separately. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

ITEM 12: MOSLEY CLAIM

Green said Mrs. Mosley called her regarding damage to her vehicle that was being driven by her daughter, Catrina. She said she wanted Council to look at the fact that since the time the damage occurred due to the road having a dip in it, the City has placed signs there showing this road does dip down and to be careful. Green suggested Mrs. Mosley be compensated for half the amount she was asking for since it was not questionable as to whether or not there was a dip in the road; there is a dip there that can cause damage to a vehicle.

Cruz said the sign was posted after the incident was reported to Public Works; they determined it should have a sign. Schumpert said after the notice, there were some other reasons that the sign was put up. Schumpert said the position is that if you are driving 25 mph or less, the street is not designed to cause damage to your car; however, once notice is received, the sign is considered. He pointed out the City is doing everything it can to warn of hazards and used the City Hall doors, containing a number of cautionary signs.

MOVED by Green, SECOND by Shanklin, to approve the Mosley claim in the amount of \$106.

Cruz asked if Ms. Mosley would accept that amount and Green said yes. Cruz said the City had no notice of the condition of the dip, and it was after the incident that the traffic experts determined a sign should be posted because the incident put the City on notice and the City has taken reasonable measures to give public notice of the situation. Williams asked if Mosley was present and Green said she had to work. Williams asked if a representative was present or the lady who was driving the car. Green said the lady that was driving the car had to work; the lady that owns the car has a disabled husband.

VOTE ON MOTION: AYE: Beller, Green, Shanklin. NAY: Warren, Maples, Williams, Sadler, Purcell. MOTION FAILED.

ITEM 12: GILES CLAIM

Beller said Ms. Giles has requested to speak and Council agreed to receive input. The following portion of the meeting is included verbatim for the record:

Giles: My name is Victavia Giles. I live at 924 SW 35th Street, Lawton, Oklahoma.

Green: Go ahead.

Beller: Yes ma'am.

Giles: On September, on January 6 I was going to my sisters house. She lived 924 SW 35th. During that time I had

moved away from there, I lived on 25th Street, 65th, 65 NW 25th Street. I was walking down the street on J. I went to get on the corner, to turn on the corner, I went to get on the corner and I stepped and when I stepped my feet tripped over the drainage, theres a water drainage. The incident happened in the 2800 block, not the 2700 block, theres a drainage in the street. I tripped, I tripped and I fell on my back, on my right leg, my right leg went up under me, my left leg went up that way, when I tripped my leg got hung in the drainage, the rail which was that high, I did not notice this.

Beller: Maam, I dont mean to interrupt you but it says here that you had noticed it prior to that and had commented on this fact to your sister.

Giles: Sir, I had lived at that address with my sister but I had moved from her in September.

Beller: Yes maam, but what Im saying, you said you didnt know it was up and in the investigation process where you told one of the investigators that you had commented this fact to your sister prior to the incident that you had saw the grate, you had seen the grate out of where it should have been.

Giles: Sir, this was in 96 when I saw this, this was in 96 when I was working and I was walking down the street, I saw kids playing in the drainage.

Beller: It didnt happen prior to the accident? Youre saying it happened a year before?

Giles: Yes sir, Ive seen kids, I used to live there, but I didnt live there up until September, I just moved back there in March.

Cruz: If I may, Council, if I may?

Beller: Yes, please.

Cruz: The question here is is the City liable for the injuries sustained by Ms. Giles. Our recommendation to you is to deny the claim because based on the information we have received, the City is not liable for the injuries sustained for the reasons that according to the statement given by a relative of hers, she had seen it and proceeded to walk into that direction of where the danger was, and number two, as stated in your agenda, a 14 year old girl had seen young boys removing the grate from the drainage system and in Oklahoma law, the City is not liable for the action of a third party, and the third party here are the kids removing that grate, and the question is are we liable or not, and we are saying to you under the law...

Green: Who did the 14 year old girl, who did she speak to?

Cruz: Maam?

Green: The 14 year old girl, who was she speaking with when she said that she had noticed it being out of place?

Cruz: Our investigator did that, maam, and we have all the information on file.

Giles: Mr. Cruz, nobody came, I called Mr. Jim Welch, I called and spoke to him. Nobody came by my house ever to investigate anything.

Green: No ones ever talked to you?

Giles: No, no one has come from the City or anything to talk to me, no one.

Shanklin: Well, are we saying that we did?

Cruz: No sir, were just saying that we went out and investigated, we talked with the people in the neighborhood and said oh, yes, it is there, and the kids who were there told us that three children, three boys, had removed that.

Shanklin: We have a \$15,000 claim now and thats it?

Green: For her medical.

Cruz: Oh, \$15,000 for her medical, but it, based, I mean, Im not going to address the validity of the amount of damages because some of this medical is for an extensive stay in the hospital for a broken foot or toe, in addition to that, theres a claim of depressions and irritations and so on because of that, and there are others, so at the time we processed this claim, thats what we had but it appears that Ms. Giles has gone back to the hospital since then for additional treatment supposedly related to this incident, whatever that may be.

Shanklin: Well, she understands she has recourse through the district court when you turn down, do you

understand that?

Giles: Beg your pardon?

Shanklin: You have recourse, if this is denied here tonight, you can get you a lawyer and take the City of Lawton to district court. Does she understand that, has she been told that?

Green: The City hasnt talked to her.

Giles: No one has talked to me, nor in my neighborhood.

Green: Id like to make a motion that she be paid for her breakage due to the fall. I know that the \$15,000 all includes the hypertension, I dont know how you would go about verifying or finding out from the hospital how to differentiate the two since the hypertension was not brought on by the fall and was prior to...

Giles: I never had hypertension before, never.

Cruz: Unlike the previous claim for \$106, which I applaud the Council for denying, in this particular case, if the Council were to approve ten cents of this claim, the Council is admitting liability, and whatever lien the hospital may have on Ms. Giles for any medical, any treatment and medical treatment and hospitalization that she has, the Council will be faced and obligated to pay the total amount of that treatment.

Shanklin: I understand that, Mr. Cruz, but is it necessary that we have in the file a statement from her? Its not? Its not, shes the one thats hurt, not those other people.

Cruz: Shes the one who, sir, she was the one, we got all the hospital, medication bills and so on, from her. Whether Mr. Welch talked to her or not, I dont know directly, but I know that this claim was investigated extensively, thats why it took a while to get this back for the Council.

Maples: We dont have a second on that motion. Can I make a motion? I make a motion that we deny this claim in its entirety.

Warren: Second.

Beller: Motion been made and seconded, substitute motion to deny the claim. Any more discussion?

Shanklin: Well, Ill make another substitute motion that staff take a statement from her, lets find out before we end up in litigation some place else.

Schumpert: Well now according to the memorandum, it says during an interview after the accident, the claimant indicates, so someone, I wont say that it was Larry Johnson but someone from the City interviewed this individual according to this document signed by Mr. Johnson.

Shanklin: But shes telling us that no ones ever visited with her.

Giles: Im the one called Jim Welch, I came here and I asked how do I go to apply to put in my damage that I fell and broke. Im not asking for pain and suffering, because I did, I had a cast on from January to May 29, Im not asking for that. All I want is to be paid for the medical bill. I came in the office and I asked for one, how do I go about it. The lady gave me the form, she told me after you fill the form, come back and turn the form in. I turned it in. She gave me a number, she say you can call and talk to Mr. Jim Welch. Nobody has. The whole time this has happened, nobody has come to my house or even called my telephone number and asked to speak to me.

Williams: Mayor Pro Tem, where are we at on our motions?

Shanklin: The motion is that we investigate this a little further and at least get a statement from the lady so it dont bite us six or eight months from now that we havent even contacted her.

Green: Ill second it.

Beller: OK, motion been made to table and been seconded, would you call the roll please on the table, do you want a date specific to bring...

Shanklin: I made a motion to table it, that we, yeah, were going to table it but were going to ask staff to go ahead and get a statement from her.

Beller: I think the motion to table would take precedence over Mrs. Maples motion.

Green: Thats right.

Beller: OK. Motion to table, would you call the roll please?
(End verbatim portion)

VOTE ON MOTION: AYE: Green, Williams, Purcell, Shanklin, Beller. NAY: Warren, Maples, Sadler. MOTION CARRIED.

19. Consider approving an amendment to an agreement between the City of Lawton and the Housing Authority of Lawton to vacate office space in the Benjamin O. Davis building being supplied to the police department by the authority. EXHIBITS: AMENDMENT.

31. Consider awarding contract for lease of office space facilities agreement at 412 SW Lee Boulevard. EXHIBITS: VENDORS MAILING LIST; TABULATION; RECOMMENDATION. Recommended Action: Award contract to Parks Jones Realty.

Green said she understood the police were vacating the space in the High Rise and Item 31 calls for the CDBG offices to be moved to 412 Lee. She said she understood CDBG would be moving into the High Rise in the space the police were vacating. Schumpert said most of the officers in the High Rise will go to substations and the rest will go to renovated offices in the police station. Green asked if anyone within City government will be going into the High Rise. Schumpert said no. He said he understood the Housing Authority had someone else that would move into that space; about a year ago, the idea was the space would be used to expand the facilities for the residents, but since then, they have indicated some other offices would go in.

MOVED by Green, SECOND by Warren, to approve Items 19 and 31. AYE: Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

20. Consider giving formal notice to American States Insurance Company to correct certain defective street and drainage work in Wolf Creek Addition. EXHIBITS: LOCATION MAP; MAINTENANCE BOND; LETTERS TO CONTRACTOR DATED JULY 16 AND 31, 1997; LETTER FROM CONTRACTOR TO CIVIL ENGINEER DATED SEPTEMBER 12, 1997; LETTER FROM PLANNING TO CONTRACTOR DATED SEPTEMBER 18, 1997; MEMO FROM ENGINEERING DATED SEPTEMBER 17, 1997, WITH LATEST INSPECTION REPORT. Recommended Action: Give formal notice to American States Insurance Company to correct certain defective street and drainage work in Wolf Creek Addition.

Shanklin asked if housing construction had started in this area. Jerry Ihler, Public Works/Engineering Director, said there are about four houses in the addition. Shanklin asked if the drainage problem is with the street. Ihler said the pavement has heaved causing two areas to pond; the contractor put up a maintenance bond for a period of two years, and two months prior to expiration, a final inspection is done and the contractor is notified of any defects or problems that have occurred during that two year period and requested to make correction. Ihler said in this instance, the contractor felt he was not responsible for correcting those sections of the street.

Shanklin asked what happened. Ihler said that leaves us to the point of contacting the bonding company, which is the purpose of this agenda, to authorize contacting the bonding company, which will either hire someone to do the work or work with the contractor on getting the work done.

Williams asked if this would identify if the contractor truly has the responsibility on this issue. Ihler said he could not address how the bonding company would take action; staff feels it is a result of the construction and if the bonding company wants to argue the fact that they agree with the contractor, then it would be a legal action between the City and the bonding company.

Shanklin said the contractor said he would find another way to address the drainage problem. Ihler said he had pictures of the problem areas. Shanklin said he knew people did not want their bonding company being contacted unless they were on the way out. Ihler said the contractor was contacted about two months ago with regard to this particular problem, and it was not until September 16 that we received a letter stating he felt he was not responsible for it so a letter was sent back indicating staff felt he was responsible; out of the entire subdivision, all the streets are fine with the exception of those two spots, and staff felt the repairs should be made.

Shanklin said the contractors letter indicates he does not feel he is responsible for an act of nature and that the problem was caused by natural movement of soil, which is a problem in this area. Ihler said it is staffs position that with regard to it being an act of nature, as an example, in Park Ridge Addition, that is an area where every block and street in the older part of the addition has heaving and ponding and would likely agree that was an area where street design did not meet soil conditions, but in Wolf Creek Addition, all of the streets look fine in the entire addition with the exception of these two spots. Shanklin asked if the contractor understood this would be happening. Ihler said yes, he has been contacted and notified this would happen.

MOVED by Shanklin, SECOND by Green, that Item 20 be approved. AYE: Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

BUSINESS ITEM:

37. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to consider a subrogation settlement offer received in a third party claim by Marshall MacDonald against the Estate of Otis J. Odum and Oklahoma Farm Bureau, and take appropriate action in open session. EXHIBITS: NONE.

ADDENDUM 2: Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to consider a settlement offer received in the pending grievance of Larry Mahamed, FMCS #97-06761-7, and take appropriate action in open session. EXHIBITS: NONE. (RESOLUTION TO BE DISTRIBUTED IN EXECUTIVE SESSION)

MOVED by Shanklin, SECOND by Warren, to convene in executive session as shown on the agenda. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

The Mayor Pro Tem and Council convened in executive session at 7:30 p.m. and reconvened in regular, open session at 8:00 p.m. with roll call reflecting all members present.

Cruz said the Council met in executive session to consider the two items on the agenda. He said on the item relating to a third party claim by Mr. Marshall MacDonald, he would recommend adoption of a resolution authorizing settlement.

MOVED by Williams, SECOND by Maples, to adopt Resolution No. 97-121. AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-121

A RESOLUTION APPROVING AND AUTHORIZING PARTIAL SETTLEMENT OF A SUBROGATION CLAIM FOR WORKERS COMPENSATION BENEFITS PAID TO MARSHALL MACDONALD.

Cruz said on the second item which relates to the settlement offer received in the pending grievance arbitration of Larry Mahamed, he discussed that with the Council. Cruz recommended the Council reject the offer.

MOVED by Purcell, SECOND by Green, to reject the offer and go to arbitration.

SUBSTITUTE MOTION by Maples, SECOND by Shanklin, that the City Attorneys office make a counter offer as discussed in executive session. AYE: Shanklin, Beller, Maples. NAY: Green, Warren, Williams, Sadler, Purcell. SUBSTITUTE MOTION FAILED.

VOTE ON MOTION: AYE: Beller, Green, Warren, Williams, Sadler, Purcell. NAY: Maples, Shanklin. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Schumpert said the City picnic was an opportunity for a good time and he expressed thanks for the food and work that Cecil Powell put into the picnic. He said he would leave this evening to go to the Oklahoma Municipal League Conference, and after that would take the weekend and Monday off, so he would return to work on Tuesday. Bill Baker will be in charge during that time. Thank you letters will be sent to Powell and employees under the Mayors signature.

Maples said several people who have been appointed to committees do not live inside the City limits and that should be looked into. Williams asked if a committee was already looking into such things. Purcell said that was not the purpose, but the next meeting of the Board Review Committee will be October 6 at 4 p.m. and members of several committees have been notified, some have called and they were encouraged to attend.

Purcell said Redistricting Commission members have been appointed and thought the Charter required that task be accomplished by December 1997. He requested appropriate action be taken to comply.

Williams said United Way efforts are going on with many businesses and an event will be held October 7 from 11 a.m. to 1:30 p.m. near the City National Bank parking lot to raise funds.

Shanklin said one lessee has not yet baled hay on his leased area at the lake and a change order was approved at the last meeting from a square bale to a round bale, but the prices per bale were not comparable amounts. Dick Huck, Parks & Recreation Director, reviewed a report he had prepared and distributed on this subject and stated the contract provides the area will be baled one time per year but does not specify a deadline.

Shanklin said the plumbing repairs at the police station are to start tomorrow and that he had contacted five or six who did not bid to determine why they did not. He said he did not believe it was an emergency.

Shanklin said water was pumped from Lake Ellsworth to Lake Lawtonka for two weeks, which he did not feel was necessary. He asked if there was a shortfall at this time in the projected water revenue.

Shanklin asked how the City or residents can keep the post office from putting up the mail boxes by the street. Cruz said the City is not allowed to intervene as it is governed by federal statute. Shanklin said they are hazardous.

Williams asked if the City pumped water between the lakes when it was not required. Schumpert said the policy is set by the Oklahoma Water Resources Board and perhaps a revision could be requested.

Green said she attended a ball game at Grand View United Sports Complex and found problems with seating, parking and food. She asked that other Council members call her and visit areas of problems in Ward 7. Green asked if the water bill had been revised. Schumpert said it has not yet been revised but that is being worked on in Revenue Services.

Warren suggested the principal at Eisenhower Junior High School be contacted regarding parents letting their children out in the middle of Gore Boulevard to get to school. He said there is an obvious danger and police enforcement would be helpful. Williams asked if the City had an agreement with the school system to provide police officers and Schumpert said he was not aware of such an agreement. Williams said police officers are on site at Lawton High and Schumpert said they are not there as part of an agreement between the City and the school system.

Beller said employees expressed concern at the picnic with regard to the health insurance. He said Council approved a benefit change in June under a consent agenda item and suggested it may need to be considered further due to the pre-certification requirements and treating different groups of physicians differently, such as chiropractic and general practice. Schumpert reviewed the health plan and financial status reflecting a need of approximately \$500,000 to be funded to make up for several large claims that have been paid.

There was no further business to consider and the meeting adjourned at 8:35 p.m.